

**4-24-5 Central Brand and Mark Registry -- Division of state into mark districts -- Identical or confusingly similar brands -- Publication of registered brands and marks.**

- (1) The department shall maintain a central Brand and Mark Registry which shall list each brand or mark recorded in this state. For each brand or mark registered the list shall specify:
  - (a) the name and address of the registrant;
  - (b) a facsimile of the brand recorded or a diagram showing the kind of mark recorded;
  - (c) the location of the brand or mark upon the animal; and
  - (d) the date the brand or mark is filed in the registry.
- (2) The commissioner may divide the state into districts for the purpose of recording marks but no mark which in the opinion of the commissioner is identical or confusingly similar to a mark previously recorded in a district shall be recorded.
- (3) No brand which in the opinion of the commissioner is identical or confusingly similar to a brand previously filed in the central brand and mark registry shall be recorded. If it appears that two or more identical or confusingly similar brands or marks have been recorded, the brand or mark first recorded shall prevail over a later conflicting brand or mark; in which event, the later brand or mark shall be cancelled and all recording fees refunded to the owner.
- (4) The commissioner shall publish from time to time a list of all brands and marks recorded in the central Brand and Mark Registry and may issue supplements to such publication containing additional brands and marks or changes in ownership of brands and marks recorded after the last publication. The brand book shall contain a facsimile of all brands and marks recorded together with the owner's name and address. The commissioner shall send one copy of the brand book and each supplement to each brand inspector, county clerk, county sheriff, livestock organization, and any other person deemed appropriate. Brand books and supplements shall be available to the public at the cost of printing and distribution per book or supplement.

Enacted by Chapter 2, 1979 General Session